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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,985	12/11/2003	Valerie M. Bennett	RSW920030204US1	4330
43168 7590 01/25/2008 MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742				
EXAMINER				
HENRY, RODNEY M				
ART UNIT		PAPER NUMBER		
4127				
NOTIFICATION DATE		DELIVERY MODE		
01/25/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

### Office Action Summary

**Application No.**

10/733,985

**Applicant(s)**

BENNETT ET AL.

**Examiner**

RODNEY M. HENRY

**Art Unit**

4127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-850)  
Paper No(s)/Mail Date 9/23/2007, 4/10/2007, 12/11/03, 1/22/07  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_



### DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-12, as originally filed, are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 3, 4, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claim 3** recites the limitation "the identification" in line 2. There is insufficient antecedent basis for this limitation in the claim. Examiner has construed it to read "identification".

**Claim 3** recites the limitation "may comprise" in line 3. This lacks patentable weight. It should read "comprises" to be given patentable weight.

**Claim 3** recites the limitation "may have provided" in line 4. This lacks patentable weight. It should read "provided" to be given patentable weight.

**Claim 3** recites "the content provider may have provided the subscription interface to the identified content" in lines 4-5. Examiner has construed this to read "the content provider provided the identified content to the subscription interface".

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Currans et al. (6,731,393).**

As per claim 1, Currans et al. discloses a method of selectively subscribing to content in a computing environment (Column 6, lines 11-12, FIGS 1 and 13 discloses custom (selective) documents by a subscribing user. FIG 5 shows subscription options for news, sports, money etc.. FIGS. 9A-12 shows examples of the custom documents), **comprising steps of:**

**enabling a user to identify content of interest** (Column 13, lines 55-57 discloses the content of interest indicated (identified) by the user); and **wherein a provider of the content has not provided a subscription interface thereto** (Column 4, lines 40-42 discloses the provider of content, 50 and advertising providers 80 do not provide an interface to the users, they provide an interface to the edit module 120, and edit module 120 in turn generates the custom documents for the user);

**and registering a subscription, for the user, to the identified content** (FIG. 5 shows the registration screen and instructions. The subscriptions are shown as well).

As per claim 2, Currans et al. discloses using the registered subscription to deliver updates of the identified content to the user (Column 13, lines 19-20 discloses daily printings of the user's personalized newspaper (updates)).

As per claim 3, Currans et al., discloses the step of:

**enabling the user to customize identification such that at least one condition is placed on at least one portion of the identified content, wherein the at least one portion comprises the identified content in its entirety** (FIG. 7 shows the user identifying dailycalendar.doc as content to be delivered daily. FIG. 10 shows the daily calendar in its entirety)

**and wherein the content provider provided the identified content to the subscription interface but has not provided a subscription interface using the condition and/or the portion** (Column 4, lines 40-42 discloses the provider of content, 50 and advertising providers 80 do not provide an interface to the users, they provide an interface to the edit module 120, and edit module 120 in turn generates the custom documents for the user).

As per claim 4, Currans et al. discloses using the registered

**subscription to deliver updates of the identified content which match the condition to the user** (Column 13, lines 18-20 discloses that the user has requested document 13000, his personalized newspaper be printing at of 6:00 am, every day (the conditions)).

As per claim 5, Currans et al. discloses specifying, for the user, at

**least one action to be carried out when the conditions is matched in updates of the identified content** (Column 13, lines 19-20 discloses the action of printing the personalized newspaper when the conditions of 6:00 am and new day are matched).

As per claim 6, Currans et al. discloses evaluating the registered subscription, and if the condition(s) therein are met in updates to the identified content, carrying out the action (s) (Column 13, lines 21-23 discloses the edit module 120 examining (evaluating) the user's interest as specified to assemble the custom document. Column 13, lines 19-20 discloses the action of printing the personalized newspaper when the conditions of 6:00 am and new day are matched).

As per claim 7 and 10, Currans et al. discloses a system and computer program product for selectively subscribing to content in a networking environment (Column 6, lines 11-12, FIGS 1 and 13 discloses custom (selective) documents by a subscribing user. FIG 5 shows subscription options for news, sports, money etc.. FIGS. 9A-12 shows examples of the custom documents), **further comprising:**

**computer-readable program code / means for receiving an identification of content of interest to a user** (Column 13, lines 55-57 discloses the content of interest indicated (identified) by the user. The content of interest gets stored in the user profile of knowledge module 170 (the means for receiving)),

**wherein a provider of the content has not provided a subscription interface thereto** (Column 4, lines 40-42 discloses the provider of content, 50 and advertising providers 80 do not provide an interface to the users, they provide an interface to the edit module 120, and edit module 120 in turn generates the custom documents for the user);

**and computer-readable program code / means for registering a subscription, for the user, to updates of the identified content** (FIG. 5 shows the registration screen and instructions as the means for registering. The subscriptions are shown as well. FIG. 7 shows the screen for delivery schedule (means for updates)).

As per claim 8 and 11, Currans et al. discloses means for using the subscription to deliver updates of the identified content to the user (FIG. 5 shows the registration screen and instructions as the means for registering. The subscriptions are shown as well. FIG. 7 shows the screen for delivery schedule (means for updates)).

As per claim 9 and 12, Currans et al. discloses computer-readable program code means / the means for receiving and means identifications of content of interest to a plurality of users (FIG. 1 shows a plurality of users that receive the content; 20320, 20330, 20350, and 20360) **and registering subscriptions to updates of the identified content for the plurality of users, respectively** (FIG. 5 shows the registration screen and instructions. The subscriptions are shown as well).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.



Nii, Naoaki (US 7209893) discloses a method of and a system for distributing electronic content.

Bouet, Stephane et al. (US 20020065778) discloses a method of and a system for distributing electronic content.

Reisman, Richard R. (US 5694546) discloses a system for automatic unattended electronic information transport between a server and a client by a vendor provided transport software with a manifest list.

Walker, Jay S. et al. (US 6377963) discloses a method and system for attaching customized indexes to periodicals.

Klug, John R. (US 6591245) discloses a media content notification via communications network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Monday through Thursday from 7:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/  
Primary Examiner, Art Unit 3627

rmh